

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TERESA L. O'MALLEY,	:	Case No. 3:12-cv-326
Plaintiff,		
-vs-	:	District Judge Walter H. Rice Magistrate Judge Michael J. Newman
NAPHCARE, INC.,		
Defendant.	:	

ORDER FOR PRELIMINARY PRE-TRIAL CONFERENCE

This *pro se* case was referred to the undersigned U.S. Magistrate Judge under 28 U.S.C. § 636(b). See General Order No. Day 12-03: Assignment and Reference to Magistrate Judges (eff. May 15, 2012). Accordingly, the Magistrate Judge will schedule a preliminary pre-trial conference pursuant to Fed. R. Civ. P. 16. During the preliminary pre-trial conference, the Court will also discuss the pending motion to dismiss in this case. The Court sets the preliminary pre-trial conference for **Wednesday, February 6, 2013 @ 9:30 a.m.** The parties are directed to call 1-877-336-1839, access code 2725365, security code 123456 and wait for the Court to join the conference.

If the above-listed date or time conflicts with a previously set matter in another court, counsel with the conflict may obtain a continuance by filing a motion that includes alternative dates on which all parties will be available.

Under Fed. R. Civ. P. 26, all parties to this case are required to: (1) make Initial Disclosures as required by Rule 26(a); and (2) confer with the other parties to plan discovery

under Rule 26(f). Because Plaintiff is a *pro se* litigant, Defendant's counsel is directed to initiate the telephone call to Plaintiff to plan discovery under Rule 26(f).

All parties and counsel shall consult to set a date for the discovery conference, which must be held at least twenty-one days before the pre-trial conference with the Court. Not later than fourteen days after the discovery conference, the parties must submit the "Rule 26(f) Report of the Parties" to the Court in the form shown on the Court's website. Unless otherwise agreed in the Rule 26(f) Report, the parties must make the disclosures required by Fed. R. Civ. P. 26(a)(1) not later than fourteen days after the discovery conference. **Rule 26(a)(1) Initial Disclosures are NOT to be filed with the Court.** It is only necessary to file a Rule 26(f) Report of the Parties within the required time.

Plaintiff, as a *pro se* litigant without access to the Court's electronic filing system, is reminded that all documents filed with the Court must be contemporaneously mailed to the counsel of the other parties, and must include a Certificate of Service indicating the date on which the document was mailed. Plaintiff is also instructed to inform the Court and all other parties of any changes to his or her mailing address and/or telephone number. A failure to do so may be cause for the Court to dismiss this case for Plaintiff's lack of prosecution.

The Courts' website (www.ohsd.uscourts.gov) contains copies of the Court's Local Rules, applicable General Orders, and forms. The form for the Rule 26(f) Report of the Parties is available under the "Forms" tab. If you do not have the ability to access the website, please contact the Clerk's office at (937) 512-1400.

January 3, 2013

s/ **Michael J. Newman**
United States Magistrate Judge